



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAY 06 1988

Mr. Thomas Kouris  
Ecology & Environment, Inc.  
111 West Jackson Blvd.  
Chicago, Illinois 60604

Re: Marble Cliff Quarry

Dear Tom:

Enclosed please find copies of correspondence from Specialty Restaurants Corporation regarding the site inspection at Marble Cliff Quarry in Columbus, Ohio. Please note that the letter which states that it is the sole and exclusive consent to the inspection is the letter which EPA views as Specialty Restaurants Corporation's unconditional consent to the site inspection. I had Daniel Twer write this second letter because his earlier letter, which incorporated parts of the letter of April 8, placed unacceptable pre-conditions on the site inspection. As always, I am glad to be of assistance. If you have any further questions, please feel free to phone me at # 886-6731.

Sincerely,

*Jerome Kujawa*

Jerome Kujawa  
Assistant Regional Counsel



SPECIALTY RESTAURANTS CORPORATION

ANAHEIM, CALIFORNIA 92806



2099 S. STATE COLLEGE BLVD., SUITE 300  
TELEPHONE (714) 634-0300  
FAX (714) 634-3869

April 27, 1988

Jerome Kujawa  
Assist. Regional Counsel  
U.S. Environmental Protection Agency  
230 South Dearborn Street, SSC-TUB-3  
Chicago, IL 60604

Re: Site Name: Marble Cliff  
TDD No: F05-8710-062

Dear Mr. Kujawa:

Notwithstanding our prior correspondence, this letter represents Specialty Restaurants Corporation's sole and exclusive consent to an inspection for our above referenced site in Columbus, Ohio by Ecology & Environment, Inc. ("E&E") on April 28, 1988.

We understand that our representative will be permitted to accompany E&E's representative(s) on the inspection.

We also understand that E&E will furnish us with the EPA identification number for this site inspection, which we must reference when writing the U.S. EPA for copies of any laboratory report, initial report of E&E or any other material to which we may be entitled.

In giving this consent to access for site inspection purposes, we nonetheless reserve whatever rights we may have against E&E on account of claims for property damage or personal injury arising from E&E's conduct on or about the site.

Very truly yours,

DANIEL L. TWIER  
Associate General Counsel

DLT:dm

SPECIALTY RESTAURANTS CORPORATION

ANAHEIM, CALIFORNIA 92806



2099 S. STATE COLLEGE BLVD., SUITE 300

TELEPHONE (714) 634-0300

FAX (714) 634-3869

April 27, 1988

Jerome Kujawa  
Assist. Regional Counsel  
U.S. Environmental Protection Agency  
230 South Dearborn Street, SSC-TUB-3  
Chicago, IL 60604

Re: Site Name: Marble Cliff  
TDD No: F05-8710-062

Dear Mr. Kujawa:

Attached is a copy of my letter to Ronald W. Short of Ecology & Environment, Inc. dated April 8, 1988.

We consent to affording Ecology and Environment access to our site for inspection purposes on April 28, 1988, subject to the provisions of that letter except the following:


1. We understand that the Ohio State equivalent of the EPA is entitled to notice of the proposed site inspection and that the Freedom of Information Act governs information disclosures. Numbered paragraph one of my April 8, 1988 letter is hereby modified to include these understandings.

2. You have indicated that EPA policy will not allow contractors such as Ecology & Environment to enter into indemnification agreements. Accordingly, we withdraw the demand for indemnification as a condition of our consent to site access. However, nothing herein is intended as a waiver of such legal rights as we may have against Ecology & Environment if its activities on or about the site cause damage to persons or property.

I will have our Mr. Mark Thompson contact Mr. Short to arrange for a meeting time and place on April 28th. If he should fail to

contact Mr. Short, Mr. Short should contact him at 614-224-0000;  
614-486-6463 or 614-237-9093 to arrange for Mr. Thompson to  
accompany the Ecology & Environment representative(s) on the  
inspection.

Very truly yours,



DANIEL L. TWER  
Associate General Counsel

DLT:dm  
enc.

cc: Mark Thompson  
Ronald W. Short

SPECIALTY RESTAURANTS CORPORATION

ANAHEIM, CALIFORNIA 92806

2099 S. STATE COLLEGE BLVD., SUITE 300  
TELEPHONE (714) 634-0300

April 8, 1988

Ecology & Environment, Inc.  
111 West Jackson Blvd.  
Chicago, IL 60604

Attn: Ronald W. Short

Re: Site Name: Marble Cliff  
TDD No: F05-8710-062

Dear Mr. Short:

In response to your letter to William Linsenbard dated March 23, 1988, please be advised that you and your firm may have access to our Marble Cliff Quarries site in Columbus, Ohio, on April 27 or 28, 1988, subject to the following understandings:

1. The fact that you are visiting our site and any findings you make will be treated as confidential matters between Specialty Restaurants, you and the U.S. EPA, and will not be divulged to any other persons or parties.

2. Our representative, Mr. Mark Thompson, will accompany you on your tour of the site. I will have Mr. Thompson call you directly to arrange the exact time, date and meeting place.

3. We are entitled to a copy of any laboratory reports, a copy of your initial report/findings furnished to the U.S. EPA and a copy of any subsequent Hazard Ranking System (HRS) Report you may furnish the U.S. EPA. Copies of these reports are available to us under the Freedom of Information Act by simply requesting same in writing from:

Mr. Robert Hartian  
Freedom of Information Offices  
Office of Public Affairs SPA-14  
U.S. EPA  
230 South Dearborn  
Chicago, Illinois 60604

4. You will furnish in writing the EPA I.D. number for this site/inspection prior to your visit to the site. We must

use this number when corresponding with the Freedom of Information Officer.

5. A portion of each sample taken from the site will be provided to us upon request.

6. Your company agrees to indemnify Specialty Restaurants and hold it harmless from any and all claims for injury to persons or property arising from your activities on the site.

Please let me know if you have any questions. If not, please have an authorized officer of Ecology and Environment, Inc. sign below.

Very truly yours,

DANIEL L. TWER  
Associate General Counsel

DLT:dm

cc: Mark Thompson  
w/enc.

The foregoing understanding and agreements are hereby accepted:

ECOLOGY AND ENVIRONMENT, INC.

BY: \_\_\_\_\_  
Type name & title below

Dated: \_\_\_\_\_